

Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Nays: Patman.

Absent-excused: Truan.

The bill was read third time and was passed.

RECORD OF VOTE

Senator Patman asked to be recorded as voting "Nay" on the passage of the bill.

MEMORIAL RESOLUTIONS

S.R. 88 - By Doggett: Memorial resolution for Emil H. Spillmann.

S.R. 89 - By Doggett: Memorial resolution for Mary Jane Voutsinas.

S.R. 90 - By Doggett: Memorial resolution for Dr. Henry M. Burlage.

S.R. 91 - By Doggett: Memorial resolution for Clarence Covert, Jr.

S.R. 95 - By Schwartz: Memorial resolution for Placid "Pat" Arena.

S.R. 96 - By Schwartz: Memorial resolution for Josephine M. Sunseri.

S.R. 97 - By Schwartz: Memorial resolution for Frank W. Herman.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 44 (Clower): Extending congratulations to Milton Caroline.

S.R. 87 - By Short: Extending congratulations to Asher Thompson.

S.R. 92 - By Vale: Extending congratulations to Pat Legan.

S.R. 93 - By Clower: Extending welcome to Brad Holcomb.

S.R. 94 - By Clower: Extending welcome to Reverend C. B. Holcomb.

ADJOURNMENT

On motion of Senator Moore the Senate at 11:23 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

SIXTEENTH DAY

(Wednesday, February 7, 1979)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present: Andujar, Blakc, Braecklein, Brooks, Clower, Creighton, Doggett, Farabec, Harris, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Mauzy, McKnight, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Vale, Williams.

Absent-excused: Truan.

A quorum was announced present.

Chaplain Gerald Mann, University Baptist Church, Austin, offered the invocation as follows:

Lord, deliver us from evil, ourselves, and long-winded prayers. Amen.

On motion of Senator Moore and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Truan was granted leave of absence for today on account of illness on motion of Senator Doggett.

REPORTS OF STANDING COMMITTEES

Senator Snelson submitted the following report for the Committee on Intergovernmental Relations:

S.B. 163
S.B. 13
S.B. 68

Senator Mauzy submitted the following report for the Committee on Education:

C.S.S.B. 189 (Read first time)

Senator Farabee submitted the following report for the Committee on Jurisprudence:

S.B. 270
S.B. 143
S.B. 142
C.S.S.B. 104 (Read first time)
C.S.S.B. 172 (Read first time)

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 444 by Schwartz Natural Resources
Amending Subchapter G of Chapter 26 of the Texas Water Code by deleting the reference to coastal water or area and making the provisions of that subchapter applicable statewide and providing additionally for the cleanup of discharges or spills of other pollutants which may reasonably be anticipated to present an imminent and substantial danger to the public health or welfare and declaring an emergency.

S.B. 445 by Schwartz Natural Resources
Relating to yearly harvest limits of red drum; and repealing Section 15, Chapter 270, Page 725, Acts of the 65th Legislature, Regular Session 1977.

S.B. 446 by Schwartz Intergovernmental Relations
Providing for the appointment and compensation of Public Defenders in certain counties; defining their duties and responsibilities; and providing for other court appointed attorneys.

S.B. 447 by Santiesteban Economic Development
Relating to issuance, countersignature, and delivery of insurance policies of certain insurance companies by certain agents; amending Article 21.09, Insurance Code, as amended; and declaring an emergency.

S.B. 482 by Harris, Santiesteban State Affairs
Relating to regulation of barbers.

S.B. 483 by Schwartz Natural Resources
Relating to lease of public school and Gulf land.

S.B. 484 by Andujar Human Resources
Relating to the licensing and regulation of the practice of dentistry and dental hygiene.

S.B. 485 by Brooks, Mauzy, Parker Economic Development
Relating to the delay in payment of initial unemployment compensation benefits.

S.B. 486 by Jones of Harris Natural Resources
Relating to regulation of persons who engage in structural pest control.

S.B. 487 by Meier Education
Relating to determination of school district index values under Title 2, Education Code; amending Subsection (a) of Section 11.86, Education Code; and declaring an emergency.

S.B. 488 by Parker State Affairs
Relating to issuance of information contained in driver's license records.

S.B. 489 by Parker State Affairs
Relating to conduct of persons engaged in the sale of beer at retail declared to be lewd, immoral or offensive to public decency; amending Section 104.01 of the Alcoholic Beverage Code; and declaring an emergency.

S.B. 490 by Parker Intergovernmental Relations
Relating to longevity pay for investigators who are employed by district attorneys, criminal district attorneys, or county attorneys and who are designated as peace officers under Article 2.12, Code of Criminal Procedure, 1965, as amended; and declaring an emergency.

- S.B. 491** by Parker Natural Resources
Relating to hunting in Sea Rim State Park.
- S.B. 492** by Parker State Affairs
Relating to the dates on which incorporated cities and towns may hold elections.
- S.B. 493** by Parker State Affairs
Relating to collective bargaining for firemen and policemen.
- S.B. 494** by Mauzy Jurisprudence
Relating to a plaintiff's dismissal of condemnation proceedings and recovery of expenses by a landowner.
- S.B. 495** by Mauzy Jurisprudence
Relating to the payment of workers' compensation benefits pending an appeal from a decision of the Industrial Accident Board.
- S.B. 496** by Jones of Harris Intergovernmental Relations
Authorizing the creation of a hospital district in accordance with the provisions of Article IX, Section 9, of the Texas Constitution, to be known as the Sugar Land Community Hospital District; defining its purposes; providing for its administration, operation, maintenance, financing, and powers; prescribing procedures; providing for severability; reciting proof of publication of constitutional notice; and declaring an emergency.
- S.B. 497** by Mengden State Affairs
Relating to certain precinct maps furnished to the secretary of state by the county clerk.
- S.B. 498** by Ogg State Affairs
Relating to amending Section 21A, Chapter 173, Acts of the 47th Legislature, 1941, as amended (Article 6687b, Vernon's Texas Civil Statutes); allowing private physicians to report voluntarily drivers having certain specified disorders or disabilities; providing for immunity from liability and declaring an emergency.
- S.B. 499** by Schwartz Natural Resources
Relating to the creation and administration of the Non-nuclear Industrial Perpetual Care Solid Waste Fund; amending Section 8(i) of the Solid Waste Disposal Act, TEX. REV. CIV. STAT. ANN. art. 4477-7 (1977), as amended, adding Subsections (15) and (16) to Section 2 and adding Section 12 to the Solid Waste Disposal Act, TEX. REV. CIV. STAT. ANN. art. 4477-7 (1977), and declaring an emergency.
- S.B. 500** by Jones of Harris Jurisprudence
Relating to offenses involving rape, sexual abuse, or assault.
- S.B. 501** by Ogg Human Resources
Relating to the hemophilia assistance program; amending Sections 1 and 2 of Chapter 274, Acts of the 65th Legislature, 1977 (Article 4477-30, Revised Civil Statutes); providing for rules; modifying types of assistance available; providing for certain priority payments; requiring disclosure of and utilization of other benefits; granting the State of Texas a cause of action to recover required reimbursements; and declaring an emergency.

S.B. 502 by Ogg

Human Resources

Relating to the establishment of a licensing procedure for food, drug, device and cosmetic salvage brokers and establishments in the State of Texas; delegating rule making authority to the Texas Board of Health; providing a licensing procedure; establishing fees for licenses; establishing penalties for violations; and declaring an emergency.

S.B. 503 by Ogg

Human Resources

Relating to the manufacture, repair, germicidal treatment and/or sale of bedding and upholstered furniture; amending Sections 1, 2, 3, 4, 5, 6, 7, 9, 10, and 11 of Chapter 7, Acts of the 46th Legislature, 1939, as amended (Article 4476a, Vernon's Texas Civil Statutes); changing the penalties; and declaring an emergency.

S.B. 504 by Ogg

Human Resources

Relating to false entries and fraudulent conduct concerning information required by the Vital Statistics Act; amending Section 22, Chapter 41, Acts of the 40th Legislature, First Called Session, 1927, as amended (Article 4477c, Vernon's Texas Civil Statutes); including additional prescribed conduct; changing the penalties; repealing Article 4477b, Vernon's Texas Civil Statutes; and declaring an emergency.

S.B. 505 by Ogg

Human Resources

Relating to minimum standards of sanitation and health protection measures; amending Sections 1, 10(a), 11, 12 and 20 of Chapter 178, Acts of the 49th Legislature, 1945, as amended (Article 4477-1, Vernon's Texas Civil Statutes); and declaring an emergency.

S.B. 506 by Ogg

Human Resources

Relating to the Solid Waste Disposal Act; amending Chapter 405, Acts of the 61st Legislature, 1969, as amended (Article 4477-7, Vernon's Texas Civil Statutes); providing authorization for the Texas Department of Health and the Texas Department of Water Resources to develop a program to certify operators of solid waste facilities and to require the employment of such an operator by the management of solid waste facility; providing for rules; providing a definition; and declaring an emergency.

S.B. 507 by Braecklein

Jurisprudence

Relating to the rights, privileges, duties, and powers of parents, conservators, and children, the suit affecting the parent-child relationship, and enforcement of support.

S.B. 508 by Jones of Taylor

State Affairs

Relating to the purchase of electricity for use in state buildings.

S.B. 509 by Meier

Jurisprudence

Relating to the membership, liability of members, and powers of a partnership.

S.R. 111 by Meier

Administration

Amending Senate Rules of 66th Legislature relating to giving notice of bills and joint resolutions expected to be considered for testimony or vote.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator McKnight gave notice that he would tomorrow submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate, after the caption had been read, the following enrolled resolution:

H.C.R. 44**MESSAGE FROM THE HOUSE**

House Chamber
February 7, 1979

HONORABLE WILLIAM P. HOBBY
PRESIDENT OF THE SENATE

SIR: I AM DIRECTED BY THE HOUSE TO INFORM THE SENATE THAT
THE HOUSE HAS PASSED THE FOLLOWING:

HB 211, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Dallam-Hartley Counties Hospital District of Dallam and Hartley Counties, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

HB 284, A bill to be entitled An Act relating to the duties of the district attorney of the 23rd Judicial District.

HB 300, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Elgin Hospital District of Bastrop, Travis, and Lee Counties, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

HB 372, A bill to be entitled An Act relating to the creation, establishment, administration, maintenance, operation, and financing of the Chillicothe Hospital District of Hardeman County, Texas, by authority of Article IX, Section 9, of the Texas Constitution.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 110

Senator Santiesteban offered the following resolution for Senator Truan:

S.R. 110, Congratulating the League of United Latin American Citizens on its 50th Anniversary.

TRUAN
SANTIESTEBAN
LONGORIA
VALE

The resolution was read and was adopted.

PRESENTATION OF GUESTS

Senator Santiesteban presented as guests of the Senate members of the United Latin American Citizens.

SENATE RESOLUTION 99

Senator Howard offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Jennifer Leigh Stremmel, daughter of Mr. and Mrs. Keith Stremmel and granddaughter of our distinguished colleague, Senator Gene Jones, and his wife, Gloria; now, therefore, be it

RESOLVED, That this charming young lady, Jennifer Leigh Stremmel, be honored as a Sweetheart of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 100

Senator Howard offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is April Lee McRay, daughter of Mr. and Mrs. Danny McRay and granddaughter of our distinguished colleague, Senator Gene Jones, and his wife, Gloria; now, therefore, be it

RESOLVED, That this charming young lady, April Lee McRay, be honored as a Sweetheart of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 101

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the children of members; and

WHEREAS, A proper candidate for Mascot of the Senate is William Joshua Meier, son of our distinguished colleague, Senator Bill Meier, and his wife, LaVoice; now, therefore, be it

RESOLVED, That this outstanding young man, William Joshua Meier, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 102

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Lee Christopher Whittenton, son of Mr. and Mrs. Jesse Whittenton and grandson of our distinguished colleague, Senator Tati Santiesteban, and his wife, Sue; now, therefore, be it

RESOLVED, That this outstanding young man, Lee Christopher Whittenton, be honored as Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 103

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Jason Joseph Schwartz, son of Mr. and Mrs. Dickey Schwartz and grandson of our distinguished colleague, Senator A. R. Schwartz, and his wife, Marilyn; now, therefore, be it

RESOLVED, That this outstanding young man, Jason Joseph Schwartz, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 104

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Sweetheart of the Senate is Carrie Taylor, daughter of Mr. and Mrs. Douglas Taylor and granddaughter of our distinguished colleague, Senator E. L. Short, and his wife, Ernestine; now, therefore, be it

RESOLVED, That this charming young lady, Carrie Taylor, be honored as a Sweetheart of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for her as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 105

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Clay Taylor, son of Mr. and Mrs. Douglas Taylor and grandson of our distinguished colleague, Senator E. L. Short, and his wife, Ernestine; now, therefore, be it

RESOLVED, That this outstanding young man, Clay Taylor, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 106

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Darren Bruns, son of Captain and Mrs. Larry Bruns and grandson of our distinguished colleague, Senator E. L. Short, and his wife, Ernestine; now, therefore, be it

RESOLVED, That this outstanding young man, Darren Bruns, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

SENATE RESOLUTION 107

Senator Jones of Harris offered the following resolution:

WHEREAS, It is a tradition in the Texas Senate to honor the grandchildren of members; and

WHEREAS, A proper candidate for Mascot of the Senate is Collin Bruns, son of Captain and Mrs. Larry Bruns and grandson of our distinguished colleague, Senator E. L. Short, and his wife, Ernestine; now, therefore, be it

RESOLVED, That this outstanding young man, Collin Bruns, be honored as a Mascot of the Senate of the State of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for him as a memento of this occasion.

The resolution was read and was adopted.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read the first time and referred to the Committee indicated:

H.B. 211, To Committee on Intergovernmental Relations.

H.B. 284, To Committee on Intergovernmental Relations.

H.B. 300, To Committee on Intergovernmental Relations.

H.B. 372, To Committee on Intergovernmental Relations.

SENATE BILL 362 ON SECOND READING

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 362** be taken up for consideration at this time:

S.B. 362, Relating to permits for geological surveys or investigations on prison lands; amending Article 6203aa, Revised Civil Statutes of Texas, 1925.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan

The bill was read second time and was passed to engrossment.

SENATE BILL 362 ON THIRD READING

Senator Moore moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 362** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Truan.

MOTION TO PLACE SENATE BILL 245 ON SECOND READING

Senator Moore moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 245** be taken up for consideration at this time:

S.B. 245, Relating to the sale of certain property by the Texas Board of Corrections and the purchase of new land with proceeds from the sale, or to the exchange of the property for other land; reappropriating money deposited in the special fund.

The motion was lost by the following vote: (Not receiving four-fifths vote of Members of Senate) Yeas: 22 Nays: 7.

Yeas: Andujar, Blake, Braecklein, Brooks, Creighton, Farabee, Howard, Jones of Taylor, Kothmann, McKnight, Meier, Mengden, Moore, Ogg, Parker, Price, Santiesteban, Schwartz, Short, Snelson, Traeger, Williams.

Nays: Clower, Doggett, Jones of Harris, Longoria, Mauzy, Patman, Vale.

Absent: Harris.

Absent-excused: Truan.

SENATE BILL 363 ON SECOND READING

Senator Santiesteban moved that Senate Rules 12 and 89 and Section 5 of Article III of the State Constitution be suspended and that **S.B. 363** be taken up for consideration at this time:

S.B. 363, Relating to guests of temporary members of private clubs.

The motion prevailed by the following vote: Yeas 25, Nays 4.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Howard, Jones of Harris, Jones of Taylor, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale, Williams.

Nays: Mauzy, McKnight, Short, Snelson.

Absent: Harris.

Absent-excused: Truan.

The bill was read second time and was passed to engrossment.

RECORD OF VOTES

Senators Farabee, Snelson, Blake, Mauzy, Howard, Jones of Taylor, McKnight, Short and Williams asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

SENATE BILL 363 ON THIRD READING

Senator Santiesteban moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 363** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 25, Nays 5.

Yeas: Andujar, Blake, Braecklein, Brooks, Clower, Creighton, Doggett, Farabee, Harris, Howard, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale, Williams.

Nays: Jones of Taylor, Mauzy, McKnight, Short, Snelson.

Absent-excused: Truan.

The bill was read third time and was passed by the following vote: Yeas 21, Nays 9.

Yeas: Andujar, Braecklein, Brooks, Clower, Creighton, Doggett, Harris, Jones of Harris, Kothmann, Longoria, Meier, Mengden, Moore, Ogg, Parker, Patman, Price, Santiesteban, Schwartz, Traeger, Vale.